IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5610 of 2005

Between:

Smt. M. Lalitha Kumari, W/o M. Ram Mohana Rao,
r/o H.No. 64/50, Station Road, Secunderabad.

..... PETITIONER

AND

1 The Assistant Secretary, Regional Transport Authority,

(North Zone), Secunderabad.
2 The Assistant Motor Vehicle Inspector,

Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of a writ of Mandamus, declaring the action of the 1st respondent in not releasing the vehicle bearing No. AP/9W-7575 which was seized under vehicle check report No. 197425, dated 22-2-2005 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following:

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ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle bearing Registration No.AP/9W-7575
(CC Bus).

The 2nd respondent seized the petitioner's vehicle under check report bearing No.197425, dated 22.02.2005 for violation of certain irregularities and handed over it to the 1st respondent.

The learned counsel for the petitioner has contended that after completion of prosecution, the petitioner made a representation, dated 15.03.2005 to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. He further contended that if any violations are made, the petitioner would be liable to pay the amount.

The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the 1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

As per the check report, dated 22.02.2005, the 2nd respondent seized the vehicle of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 15.03.2005, the 1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used as stage carriage purposes. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

In the light of the above circumstances, the 1st respondent-Regional Transport

Authority is directed to release the vehicle of the petitioner for interim custody on the following terms and conditions.

1. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*
2. *that the petitioner shall not alienate any part of the vehicle or transfer it to a third thirty.*
3. *the petitioner shall pay taxes due if any.*

The writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

Dated: 18.03.2005

Dsr

Note:

Issue operative portion

by wire at party's costs.

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Assistant Secretary,

Regional Transport Authority (North Zone)

Secunderabad

2. The Asst.Motor Vehicle Inspector,

Eluru, West Godavari District

3. Two CCs to the Government Pleader

for Transport, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies